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TO

Amend the Law relating to Marriages in Ireland, and to extend the Provisions of the Act of the Twenty-second Year of Her Majesty, Chapter Twenty, to the Consistory Courts of Armagh and Dublin.

Preamble.

WHEREAS an Act was passed in the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled "An Act for Marriages in Ireland, "and for registering such Marriages;" and it is expedient to alter and amend the Provisions of the said Act, so far as is herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No Notice of Marriage to be published before Poor Law Guardians. 19 & 20 Vict. c. 119. s. 1.

1. In case of any Party intending Marriage under the Provisions of the said recited Act or of this Act, no Notice of such intended Marriage shall be read or published before the Guardians of any Poor Law Union in Ireland, or be transmitted by any Registrar to the Clerk of any such Guardians.

Form of Notice of Marriage to Registrar. 7 & 8 Vict. c. 81. s. 13.

2. Every Notice of an intended Marriage given to the Registrar under the Provisions of the said recited Act or of this Act shall be in the Form set forth in the Schedule to this Act annexed, and shall state,—

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(1.) The true Name, Surname, Profession, or Description of each of the Persons intending Marriage:

(2.) The Church, Chapel, or registered Place of Public Worship which the Persons intending Marriage, or either of them, usually attend:

(3.) The usual Dwelling Place of each of them:

(4.) The Time, not being less than *Seven* days, during which each has dwelt therein (unless such Time is more than *One Month*, in which Case it may be so stated):

(5.) The Church, Chapel, or registered Place of Public Worship, or other Place in which the Marriage is intended to be celebrated (which must be a Place within the District of the Registrar to whom the Notice is given):

(6.) Whether the Marriage is intended to be celebrated by virtue of the Registrar's Certificate, or by virtue of his Licence.

Proceedings of Registrar

3. The Registrar shall then proceed as follows:

(1.) He shall file the Notice so given to him, and keep the same with the Records of his Office;

(2.) He shall forthwith enter a true Copy of the Notice in his Marriage Notice Book (supplied to him by the Registrar General);

(3.) He shall keep this Book open for the Inspection of all Persons at all reasonable Times, without Fee;

(4.) He shall, on the Day on which he shall have received such Notice, or on the following Day at the latest, send by Post, in a registered Letter, a Copy of the Notice, under his Hand,—

To the Minister of the Church, Chapel, or registered Place of Public Worship stated in the Notice as that in which the Marriage is intended to be solemnized; and

To the Minister of the Church, Chapel, or registered Place of Public Worship which the Parties to the Marriage, or either of them, usually attend;

Or the Registering Officer of the Society of Friends, or Secretary of a Synagogue, by whom respectively the Marriage is to be registered, as the Case may require:

(5.) When the Marriage is intended to be contracted in the Office of the Registrar, he shall, in addition to sending a Copy of the Notice to the Minister of the Church, Chapel, or registered Place of Public Worship as aforesaid, forthwith suspend a Copy of the Notice, on a printed Form properly and legibly filled up, in some conspicuous Place in his Office, and keep the same so suspended,—in the Case of a Marriage intended to be celebrated by virtue of a Certificate, for *Twenty-one* Days,—and in the Case of a Marriage intended to be celebrated by virtue of a Licence, during *Seven* Days, next after the Day of Entry of the Notice.

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4. The Registrar shall not in any Case issue a Certificate until after the Expiration of *Twenty-one* Days, or grant a Licence until after the Expiration of *Seven* Days, from the Day of Entry of the Notice by him. Certificate or Licence not to issue until after 21 Days or 7 Days.

5. The Registrar General shall, on being thereunto required, furnish to the Minister of every registered Place of Public Worship in which Marriages may be solemnized, Marriage Register Books in Duplicate, and Forms for certified Copies thereof, as provided under the said recited Act. Registrar General to furnish Registry Books.

6. Every Marriage solemnized by virtue of a Registrar's Certificate of Publication of Notice, or of a Registrar's Licence, according to the Usages of any Church, Denomination, or Body of Protestant Christians, shall be solemnized, Place, Time, &c. of Marriage.

(1.) By an ordained Minister of the Church, Denomination, or Body to which the Parties to the Marriage, or either of them, shall belong;

(2.) In the registered Place of Public Worship named in the Notice;

(3.) According to the Usages of the Church, Denomination, or Body of Protestant Christians to which such Place of Worship shall belong;

(4.) Between the Hours of *Eight* in the Morning and *Twelve* of Noon;

(5.) With open Doors;

(6.) In the Presence of *Two* or more credible Witnesses besides the officiating Minister or Person solemnizing the Marriage;

And not elsewhere or otherwise. If any Person wilfully solemnize a Marriage, or pretended Marriage, contrary to the present Provision he shall be guilty of Felony.

7. The Validity of any Marriage celebrated under the Provisions of this Act by an ordained Minister of any Denomination of Protestant Christians, by virtue of such Certificate or Licence as is authorized by the said recited Act or this Act, shall not be questioned by reason of such Marriage having been celebrated without the Presence of the Registrar: and every such Marriage shall be good and cognizable in like Manner as any Marriage solemnized under the Provisions of the said recited Act: nor shall the Minister who shall solemnize any such Marriage without the Presence of the Registrar be guilty of Felony. Marriages under this Act good and cognizable.

8. Every Minister, immediately after the Solemnization of any Marriage by him, shall enter in both the Duplicate Marriage Register Books of the Place of Worship in which the Marriage is solemnized, the Entry of Marriage by Minister in Registry Books.

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the requisite Particulars respecting such Marriage: and every such Entry shall be signed by such Minister, and by the Persons married, and by Two Witnesses at the least.

Penalty for not registering Marriage.

9. If any Minister neglect or refuse to register as aforesaid any Marriage which under this Act it is his Duty to register, he shall for such Offence be liable to a Penalty of *Forty Pounds*, recoverable in any of Her Majesty's Superior Courts of Law in Dublin, with full Costs of Suit, by any Person who shall sue for the same.

Consent of Minister, &c necessary.

10. No such Marriage as aforesaid shall be solemnized in any such Place of Public Worship without the Consent of the Minister, or of One of the Trustees or Owners, Deacons or Managers, thereof.

Persons desirous may add the Religious Ceremony to a previous Marriage.

11. If the Parties to any Marriage duly celebrated under the Provisions of the said recited Act or of this Act, by an ordained Minister of any Denomination of Protestant Christians by virtue of such Licence as is authorized by the said recited Act or this Act, shall desire to add the Religious Ceremony ordained or used by the Church or Persuasion of which such Parties, or either of them, shall be Members to the Marriage so celebrated, it shall be competent for them to present themselves for that Purpose to a Minister of the Church or Persuasion of which such Parties, or either of them, shall be Members; and such Minister, upon the Production to him of the Certificate of their Marriage by some duly appointed Minister or other Person authorized to celebrate such Marriage, may, if he think fit, read or celebrate the Marriage Service or Ceremony of the Persuasion to which he shall belong, in the Church, Chapel, or registered Place of Public Worship of which he shall be Minister; in every such Case the Minister, or Person reading or celebrating such Service or Ceremony, shall add to the Entry of the requisite Particulars in the Marriage Register Books, or to the Certificate of the Marriage to be sent to the Registrar General (as the Case may be), a special Note of the Fact of the Parties having been previously joined in Marriage, and also the Name of the Minister or other Person by whom such previous Marriage shall have been celebrated, and the Church or other Place where such Marriage shall have been celebrated.

Invalid Marriages.

12. Nothing in this Act contained shall extend or be construed to extend, to the giving Validity to any Marriage or pretended Marriage, not now valid under the existing Laws.

Omission to send Notice of Marriage Penalty, 40*l*.

13. If any Registrar shall neglect or refuse to send a Copy of the Notice given to him by either of the Parties intending Marriage, to the Minister of the Church, Chapel, or registered Place

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Place of Public Worship where the Marriage is to be solemnized; and to the Minister of the Church, Chapel, or registered Place of Public Worship where the Parties to the Marriage, or either of them, usually attend; he shall be liable to a Penalty of *Pounds*, recoverable in any of Her Majesty's Superior Courts of Law in Dublin, with full Costs of Suit, by any Person who shall sue for the same.

Penalty on making false Declaration, or giving false Notice. 19 & 20 Vict. c. 119 s. 18

14. Any Person who shall knowingly, or wilfully, make any false Declaration, or sign any false Notice, required by the said recited Act or by this Act, for the Purpose of procuring any Marriage, shall suffer the Penalties of Perjury.

Judge to give Consent to Marriage in Cases of Incapacity of Parent, &c.

15. And whereas the Appointment of Guardians in the Court of Chancery is attended with Expense; and it is expedient to facilitate the Solemnization of Marriages with Licence: Be it enacted, That if the Parties to be married or either of them be under the Age of *Twenty-one* Years, and the Father or Fathers, Guardian or Guardians, Mother or Mothers, of such Party or Parties, or any of them, whose Consent is required to the Marriage of such Party or Parties, shall be non compos mentis, or in Parts beyond the Seas, or shall unreasonably, or from undue Motives, refuse or withhold his, her, or their Consent to a proper Marriage, or if there be no Father, Mother, or Guardian of such Party or Parties, or of One of them, then it shall be lawful for any Person intending Marriage, in any of the before-mentioned Cases, to include in the Notice of Marriage required by the said recited Act to be served upon a Surrogate or Deputy Surrogate Notice of an Intention to apply to the Judge of the Consistory Court of Armagh, or to the Judge of the Consistory Court of Dublin, as the Case may require, for the Consent of such Judge to the Solemnization of such Marriage, who shall have Power to examine, in a summary Way, by the Oaths of Witnesses and otherwise, into the Merits of such Application, and to adjudicate thereon; and if, upon Examination, such Marriage shall appear to be proper, such Judge shall declare the same so to be, and shall enter such Declaration in the Marriage Notice Book of his Office; and such judicial Declaration shall be deemed and taken to be as good and effectual to all Intents and Purposes, as if the Father, Guardian or Guardians, or Mother, of the Person so applying had consented to such Marriage.

Power to examine Witnesses, &c., in Places out of Ireland.

16. Whereas it is expedient that Facilities should be afforded for taking Evidence in or in relation to Actions, Suits, and Proceedings pending before Ecclesiastical Courts in Ireland, in Places in Her Majesty's Dominions out of the Jurisdiction of such Tribunals: Be it enacted, That the Provisions of the Act passed in the Session of Parliament holden in the Twenty-second year of the Reign of Her present

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Majesty, Chapter Twenty, shall, from and after the *passing of this Act*, extend and apply to the Consistory Courts of Armagh and Dublin respectively, and the Judges thereof; and the Consistory Courts of Armagh and Dublin, respectively, and the Judges thereof, shall be Courts and Judges having Authority under the said Act.

Not to alter Provisions of existing Act, except where at variance with this Act.

17. Except where the Provisions of the said recited Act are expressly altered by or are at variance with the Provisions of this Act, nothing herein contained shall alter, repeal, or affect, or be construed so as in any Manner to alter, repeal, or affect, any of the Provisions or Clauses contained in the said Act, but, except as aforesaid, the same Provisions and Clauses respectively shall be and remain in full Force and Effect as if this Act had not been passed; and this Act shall, except as aforesaid, be considered as incorporated with the same Provisions and Clauses, and be construed in connexion therewith.

Commencement of Act.

18. This Act shall come into operation on the *First Day of Eighteen hundred and sixty-* and none of the Provisions thereof shall take effect previous to that Day.

Limitation of Act.

19. This Act shall not apply to England or Scotland.

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Notice of Marriage.

To *A B.*, Registrar [*or* Deputy Registrar] of the District of in the County of

I the undersigned *James Smith* hereby give you Notice, that a Marriage is intended to be had, without [*or* by *as the Case may be*] Licence, within Three Calendar Months from the Date hereof, between me and the other Party named and described; (that is to say,)

Name and Surname	Condition	Rank or Profession	Age	Dwelling Place	Length of Residence	Church, Chapel, or Place of Worship which the Parties usually attend respectively	Church, Chapel, Place of Public Worship, or Building in which the Marriage is to be solemnized	District and County in which the Parties respectively dwell
James Smith -	*Widower*	*Linen-man*	*Twenty-five Years*	*23, Trinity Street, Parish of St Andrew's, City of Dublin*	*Seven Days* [*or Fifteen Days, as the Case may be*]	*Primitive Wesleyan Methodist Chapel, Great George Street*	*Sion Chapel, Maryborough*	*District of ——— County of Dublin*
Martha Green -	*Spinster* -	- - -	*Nineteen Years*	*Grove Farm, Townland of Grove, Parish of Maryborough*	*More than One Month*	*Sion Chapel, Maryborough,*	*Sion Chapel, Maryborough*	*District of Maryborough, County of Queen's County,*

Witness my Hand this [ ] day of [ ] One thousand eight hundred and [*sixty-three*]

(Signed) *James Smith*

(The Particulars in this Schedule to be entered according to the Fact.)

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Marriages, &c. (Ireland).

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To amend the Law relating to Marriages in Ireland, and to extend the Provisions of the Act of the Twenty-second Year of Her Majesty, Chapter Twenty, to the Consistory Courts of Armagh and Dublin.

(*Prepared and brought in by Sir Edward Grogan, Mr. Vance, and Mr. Longfield*.)

Ordered, by The House of Commons, *to be Printed*, 26 *February* 1863.

[Bill 40.]

Under 1 *oz.*

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